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Annual Report 1998/99

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FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY

101-01534/

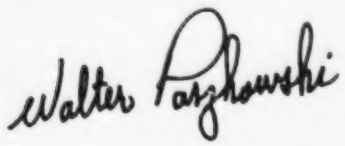
September 1999

Honourable Ken Kowalski
Speaker
Legislative Assembly of Alberta
325 Legislature Building
Edmonton, Alberta

Dear Sir:

In accordance with Section 81 of the *Freedom of Information and Protection of Privacy Act*, I have the honour to submit the fourth annual report on the operation of said *Act* for the fiscal year ended March 31, 1999.

Respectfully submitted,



Walter Paszkowski
Minister

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Section 2 Minister's Message

Alberta's *Freedom of Information and Protection of Privacy (FOIP) Act*, which was enacted on October 1, 1995 for provincial government ministries, continues to demonstrate the government's commitment to open and accountable government for Albertans and to the protection of privacy.

I am pleased to report that the extension of the *Act* to cover local public bodies is proceeding smoothly. The *Act* applied to school jurisdictions on September 1, 1998 and to health care bodies on October 1, 1998. Preparations are well underway for the extension of the *Act* to post-secondary educational institutions and local government bodies in the fall of 1999.

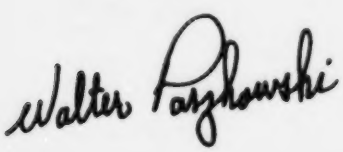
Another significant achievement in 1998/99 was a review of the FOIP legislation by the Select Special Committee of the Legislative Assembly, chaired by Gary Friedel, MLA. The Committee received valuable input from the public and from provincial and local public bodies.

In March 1999, the Select Special Committee released its final report, containing 81 recommendations for amendments to the *Act*. The Government responded promptly to the recommendations and introduced and passed Bill 37, the *FOIP Amendment Act, 1999* in the 1999 Spring Session of the Legislature.

I would like to thank the Information and Privacy Commissioner, government staff, local public body staff and elected officials for their support in the administration of this important legislation.

Finally, I would like to formally acknowledge the outstanding contribution made to this field by the late Mr. R. Peter Gillis (1947-1999). Mr. Gillis served as a policy advisor to the Government of Alberta and was instrumental in the development of the FOIP policy, practices and training programs.

I look forward to continuing to work with all areas to implement procedures and best practices related to the amendments, as well as the ongoing operation of the *Act*, and to finalize preparations for extension of the *Act* to post-secondary educational institutions and local government bodies.



Walter Paszkowski, MLA
Minister of Municipal Affairs

The *Freedom of Information and Protection of Privacy Act* has applied to provincial government ministries, agencies and affiliated public bodies, since October 1, 1995. On September 1, 1998 the *Act* was extended to schools and on October 1, 1998 it was extended to health care bodies. The *Act* will apply to post-secondary educational institutions and local governments in the fall of 1999.

Section 91 of the *FOIP Act* required a review of the legislation by a special committee of the Legislative Assembly within three years of it coming into force. In 1998/99, this review was undertaken by a Select Special FOIP Act Review Committee, chaired by Gary Friedel, MLA. Information Management and Privacy provided technical support to the Committee, which tabled its Final Report in the Legislature in March 1999.

Bill 37, a draft bill to amend the *Act*, was prepared and brought forth in the 1999 Spring Session of the Legislature to implement the Committee's recommendations. *(Note – Bill 37 received Royal Assent and became law on May 19, 1999.)*

Information Management and Privacy coordinates the province-wide administration of the *Act*, and continues to provide ongoing support for provincial government ministries and local public bodies.

Support is provided through a variety of forums including regular meetings with FOIP Coordinators, training programs, workshops, presentations and publications. This year, Information Management and Privacy published a fully revised Policy and Practices Manual reflecting the needs of both provincial government ministries and local public bodies.

Training and education also continued to be a key focus. Over 90 training courses were provided for nearly 2,300 participants including over 370 government employees, roughly 40 participants from school jurisdictions, nearly 600 from health care bodies, approximately 150 from post-secondary educational institutions, over 900 from local government bodies, more than 60 from police services, and approximately 125 from public libraries.

Alberta's fourth annual information and privacy conference, FOIP '98, was held in Edmonton on June 1 and 2, 1998. Information Management and Privacy participated in an advisory role in the planning of the conference, which attracted over 400 registrants. Participants were offered presentations and workshops by more than 30 speakers over the two days, including Alberta's Information and Privacy Commissioner, Mr. Bob Clark and the former Federal Information Commissioner, Mr. John Grace.

The FOIP home page on the World Wide Web continues to provide Internet users with easy access to information on the *Act* and its implementation. A number of new publications were made available on the website this year, including the newly revised Policy and Practices Manual.

The FOIP home page can be found at: http://www.gov.ab.ca/foip.

4(a) Requests Received Under the *Act* by Provincial Government Ministries

Government ministries routinely release a great quantity and variety of information on a regular basis. The *FOIP Act* is used only when information is not available through regular channels.

In the fiscal year from April 1, 1998 to March 31, 1999, a total of 1,576 Freedom of Information requests were received by government departments, agencies and affiliated public bodies. In addition, there were ten requests for correction of personal information.

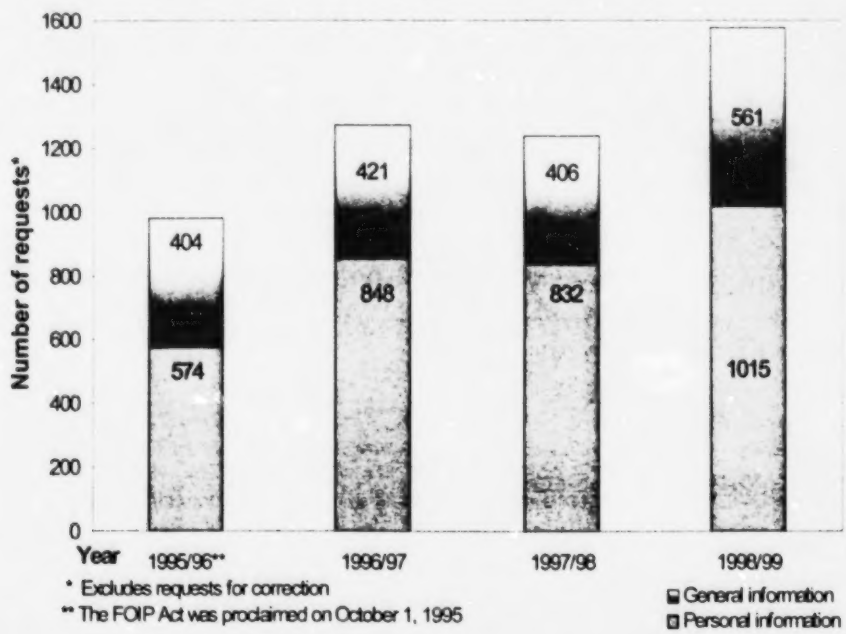
This number is up from the 1,238 requests (and 10 requests for correction of personal information) received in 1997/98.

In 1998/99, roughly two-thirds of the requests received were from individuals seeking records containing information about themselves.

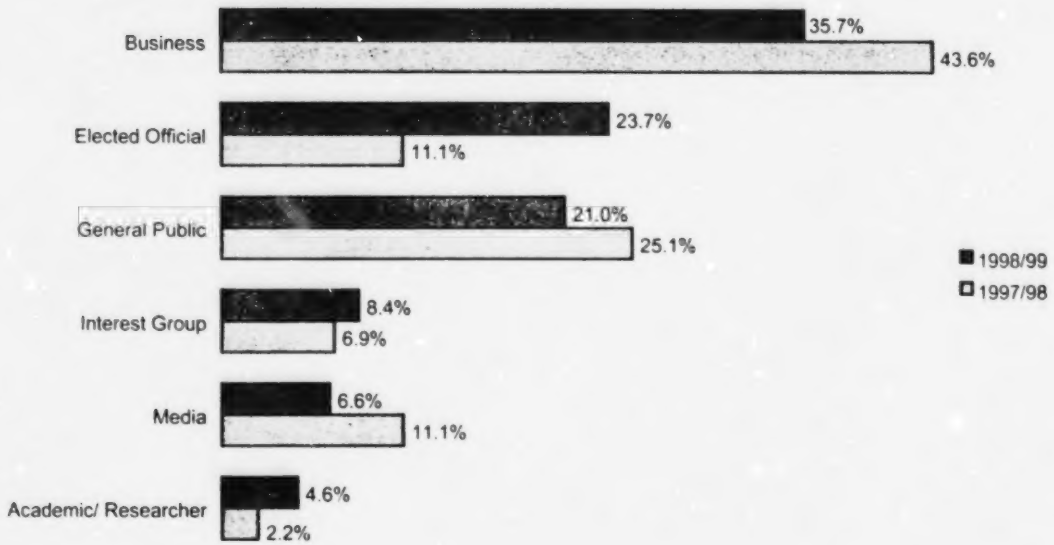
The remaining one-third of requests were made for general information. In this category, the top users of the *Act* were businesses, accounting for 35.7 per cent of requests; elected officials made 23.7 per cent of requests; the general public made 21 per cent; and interest groups and the media each made approximately 7-8 per cent of requests.

Businesses were the biggest user of the *Act* of general information requests in the previous year as well, having made 43.6 per cent of requests, followed by the general public at 25.1 per cent, and media and elected officials at 11.1 per cent each.

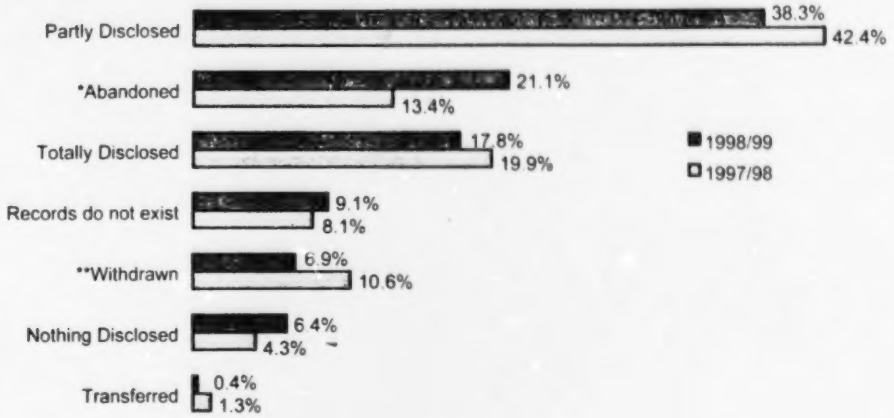
Number of FOIP requests received by government ministries since October 1, 1995



General information requests received by provincial government ministries in 1998/99 by type of applicant

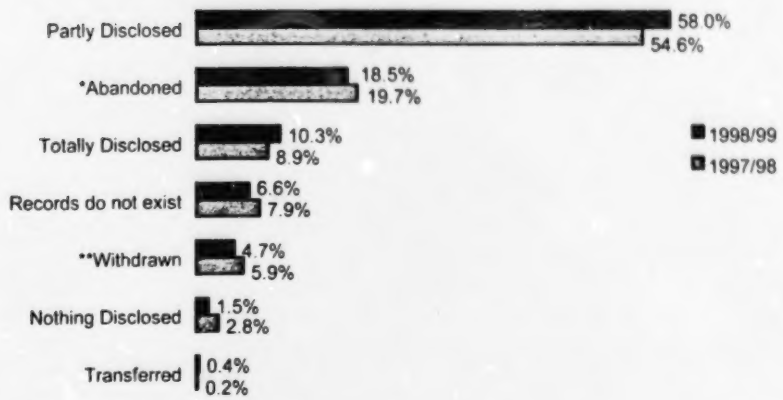


Outcome of general information requests received by provincial government ministries in 1998/99



* Abandoned now also includes the "unable to process" category.
** Withdrawn was formerly titled "treated informally".

Outcome of personal information requests received by provincial government ministries in 1998/99



* Abandoned now also includes the "unable to process" category.
** Withdrawn was formerly titled "treated informally".

4(b) Distribution of Requests Received Under the *Act* by Provincial Government Ministries April 1, 1998 to March 31, 1999

Public Body	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Family and Social Services	44	687	1	732
Environmental Protection	182	1	0	183
Justice	40	57	0	97
Workers' Compensation Board	8	75	7	90
Calgary Rockyview Child and Family Services Regional Authority	4	74	0	78
Labour	50	18	0	68
Health	13	35	0	48
Treasury	42	6	0	48
Community Development	19	8	0	27
Transportation and Utilities	18	4	0	22
Municipal Affairs	13	8	0	21
Energy	18	1	0	19
Executive Council	15	3	0	18
Alberta Energy and Utilities Board	17	0	0	17
Economic Development	17	0	0	17
Advanced Education and Career Development	4	8	2	14
Education	6	8	0	14
Persons with Developmental Disabilities(PDD) Board	5	9	0	14
Agriculture, Food and Rural Development	10	1	0	11
Alberta Gaming and Liquor Commission	9	2	0	11
Alberta Treasury Branches	6	2	0	8
Intergovernmental and Aboriginal Affairs	4	3	0	7
Public Works, Supply and Services	5	0	0	5
Agriculture Financial Services Corporation	3	0	0	3
Alberta Pensions Administration Corporation	1	2	0	3
Alberta Research Council	3	0	0	3
Alberta Opportunity Company	2	0	0	2
Office of the Information and Privacy Commissioner	2	0	0	2
Personnel Administration Office	0	2	0	2
Labour Relations Board	1	0	0	1
Office of the Ombudsman	0	1	0	1
Total Requests	561	1,015	10	1,586

4(c) Exceptions and Exclusions

When public bodies sever information from a record, or withhold a record, they must indicate the section of the *Act* that authorizes the decision not to disclose information. The following table summarizes the sections of the *Act* that were cited when records were not completely disclosed. The number of occurrences indicates the number of requests where that section of the *Act* was used to sever information. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Section of the *Act* Used	Exceptions	Number of Occurrences
16	Third party - personal information	712
23	Advice from officials	89
26	Legal privilege	56
15	Third party – business/tax interests	52
19	Law enforcement	51
20	Intergovernmental relations	26
24	Harmful to economic or other interests of a public body	22
21	Cabinet and Treasury Board confidences	17
28	Information otherwise available to the public	9
11	Refuse to confirm or deny existence of a record	8
18	Confidential evaluations/Identity of Participants	8
17	Individual or public health or safety	7
25	Testing procedures, tests and audits	7

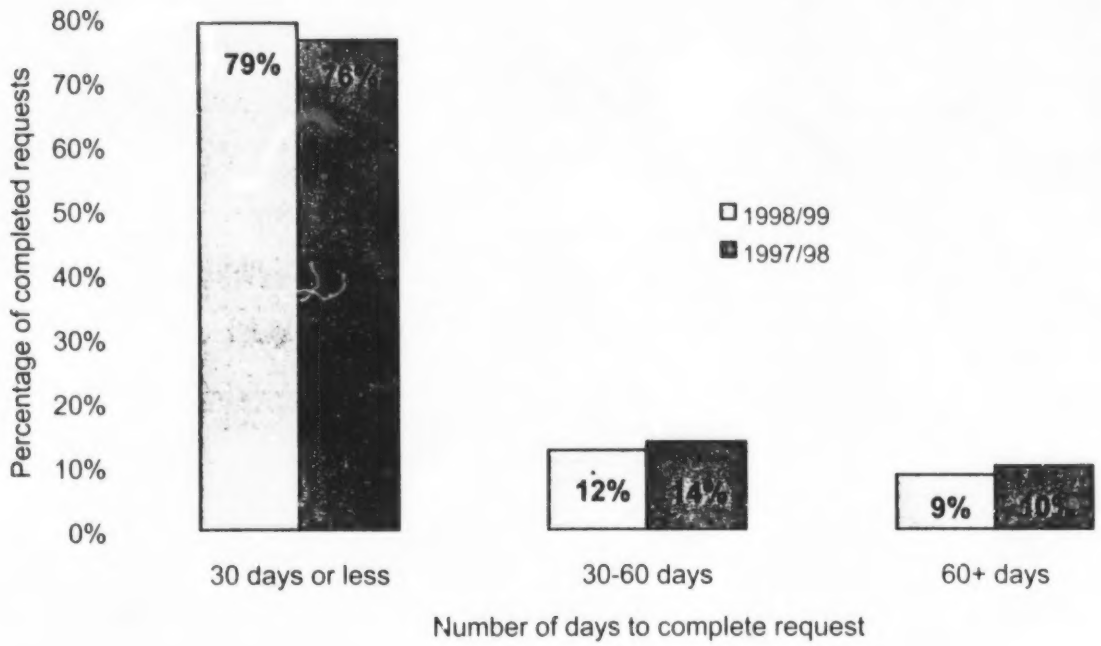
Section of the *Act* Used	Exclusions	Number of Occurrences
5	Paramountcy of other acts/regulations	252
4(1)l	Records sent between MLAs and/or Executive Council	25
4(1)c	Officers of the Legislature	16
4(1)b	Quasi/judicial notes, communications or draft decisions	10
4(1)m	Treasury Branch records	10
4(1)a	Court or judicial records	6
4(1)d	Examination or test questions	3
4(1)h	Registries records	3
4(1)g	Incomplete prosecutions	2
4(1)n	Credit union records	2
3(a)	Previously available	1
4(1)e	Teaching materials or research information	1
4(1)f	Non-public body records in Provincial Archives	1
4(1)i	Personal/constituency records of a local elected official	1
4(1)j	Personal/constituency record of a member of Executive Council	1
4(1)k	Speaker or MLA records in the Legislative Assembly Office	1

4(d) Response Times

The *Act* states that normally a request must be completed within 30 days of the date it was received. The *Act* allows the Head of a public body to extend this time to 60 days under three circumstances. An extension may be allowed if more time is needed to consult with another public body or with a third party, the request does not provide sufficient detail to allow identification of the requested record, or if a large number of records are involved.

Overall, 91 per cent of requests were completed within 60 days of receiving the requests. 79 per cent of these were completed within 30 days, and 12 per cent within 30 to 60 days. Only 9 per cent were completed in more than 60 days.

Percentage of requests completed in 30 days or less



4(e) Local Public Bodies

School jurisdictions and health care bodies became subject to the *Act* in September and October 1998 respectively.

From September 1, 1998 to March 31, 1999 school jurisdictions received 27 Freedom of Information requests including 7 general requests, 19 personal requests and 1 request for correction of personal information.*

From October 1, 1998 to March 31, 1999 health care bodies received 26 Freedom of Information requests including 12 general requests, 12 personal requests and 2 requests for correction of personal information.**

For general requests received by local public bodies (school jurisdictions and health care combined), 32 per cent were from the general public, 26 per cent were from interest groups and 21 per cent were from business applicants.

Of the completed general requests (both sectors), 60 per cent were withdrawn or abandoned, and 27 per cent resulted in records being fully or partly disclosed. For personal requests, 84 per cent of the 25 completed requests resulted in either full or partial disclosure of records.

92 per cent of all requests received by local public bodies were completed in 30 or less days, with the remaining 8 per cent being completed in 31 to 60 days.

* 68 of 69 school jurisdictions reported
** 47 of 49 health care bodies reported

Section 5 Financial Information*

5(a) Expenditures

Information Management and Privacy spent $870,033 in 1998/99. Additional costs were incurred by each of the public bodies subject to the *Act*. Expenditures by the Office of the Information and Privacy Commissioner are also related to the administration of the *Act* and are reported annually by that office.

5(b) Fees

The fee schedule for processing FOIP Requests is set out in Schedule 2 of the *FOIP Regulation*. In 1998/99, just over $45,000 in fees were collected by provincial government ministries.

General information requests
For general information requests, a $25 initial fee is required at the time the request is made. Additional charges may be applied for time spent locating, retrieving and preparing records for disclosure; computer programming and processing; and copying of records.

Public bodies may not charge for the time spent reviewing records to determine the need for severing. Once a request is received, a fee estimate is prepared; if the estimate is less than $150, no additional fees are collected from the applicant.

The *Act* allows for continuing requests, where the request remains active for a specified period of time up to two years. The initial fee for a continuing request is $50. Eight such requests were received by provincial government ministries in 1998/99.

Personal information requests
Applicants requesting their own information pay only copying charges, and only if the charges exceed $10.

Total fees collected by provincial government ministries

Type of fee	Amount collected	
	1998/99	1997/98
General information requests		
Initial fees	$11,525	$8,900
Other general fees	20,675	8,831
Personal information requests		
Copying	12,935	13,381
Total	**$45,135**	**$31,112**

Fee waivers by provincial government ministries
Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment; the record relates to a matter of public interest; or for any other reason that is fair to excuse payment. The amount of these fee waivers is shown in the following table.

Type of request	Amount waived	
	1998/99	1997/98
General information requests	$ 7,312	$ 1,067
Personal information requests	2,935	1,359
Total	**$10,247**	**$ 2,426**

Fees are often reduced or eliminated by clarifying requests and providing only the records actually needed by the applicant. The value of fees eliminated in this way cannot be calculated.

* Fee information is not available for local public bodies.